

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
January 24, 2007

PRESENT: Chair Reed, Members Cortese, Constant and Chirco

ABSENT:

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, City Manager Les White, Agenda Services Manager Nadine Nader, Redevelopment Agency Liaison Gary Miskimon, Redevelopment Agency Executive Director Harry Mavrogenes.

A. City Council

1. Review of the February 6, 2007 Draft Agenda

Action: The Committee approved the following additions to the February 6, 2007 City Council Agenda:

a. Mayor and Councilmember Requests

- Presentation of a commendation to Susan Sandy. (Nguyen)

b. Council Appointee Requests

- Acceptance of the Office of the City Auditor's Report. (City Auditor)

Council Item 3.5 (Approval of actions related to the Reed Reforms) will go before the Rules and Open Government Committee on January 31, 2007 and forwarded to Council on February 6, 2007.

Council Item 3.6 (Discussion and direction regarding illegal tree removal) to be heard "not before 3:00 p.m." on February 6, 2007

2. Add New Items to the January 30, 2007 Agenda

The Committee approved the following additions to the January 30, 2007 Council Agenda:

a. Mayor and Councilmember Request

- Presentation of a proclamation for Holocaust Remembrance Week in San Jose. (Williams)

- Presentation of a commendation for Philips Lumileds. (Campos)
- Presentation of a commendation to Joevelyn Orasa.

The Committee agreed to defer item 1.2 (Combined Giving Campaign Commendations) item 1.5 (Commendation to Breathe California) to February 6, 2007.

b. Council Appointee Requests

- None

Mayor Reed asked to have the Employee Values Project placed on the January 31, 2007 Rules and Open Government agenda for discussion.

City Attorney Rick Doyle asked that item 2.6 (Adoption of a resolution increasing Delinquent Charges for Delinquent Lobbyist Reports) be deferred to February 6, 2007.

The Committee set a time certain of “not before 3:00 p.m.” for item 3.4 (Acceptance of report related to Bond Programs).

B. Redevelopment Agency

1. Review of the February 6, 2007, Draft Agenda

- a. Add New Items to Draft Agenda
- There were no additional items for the February 6, 2007 Redevelopment Agency agenda.

2. Add New Items to January 30, 2007 Agenda

There were no additional items for the January 30, 2007 Redevelopment Agency agenda.

a. Redevelopment Board Requests

- There were none.

b. Executive Director Requests

- There were none.

c. RDA Counsel Requests

- There were none.

The Committee agreed to convene the RDA Board “not before 3:30 p.m.”.

- 3. List of Reports Outstanding**
There were none.

C. Legislative Update

- 1. State**
 - a. 2007 Legislative Guidelines Priorities.**
Documents Filed: (1) Memorandum from Betsy Shotwell dated January 19, 2007 recommending acceptance of the 2007 Legislative Guidelines and Priorities for the first year of the two-year Legislative Session in Sacramento and the 110th Congress. (2) Memorandum from Councilmember Cortese dated January 23, 2007 recommending that the Rules Committee approve the 2007 Legislative Guidelines and Priorities as presented by staff with the following addition: Joint Advocacy with the City of Oakland and San Francisco to ensure State Allocation of Prop 1c and 84 funds.

Staff provided a visual and oral presentation. Brief questions followed.

Action: The Committee approved the recommendation and forwarded the item to the City Council for approval at its January 30, 2007 Meeting.

- 2. Federal**
 - b. Federal**

D. Meeting Schedules

- 1. Approve a Study Session the Evergreen *East Hills Strategy on February 1, 2007.** (Deferred from January 17, 2007)

Documents Filed: Memorandum from Joseph Horwedel Director of Planning, Building and Code Enforcement dated January 12, 2007 recommending that the Rules Committee schedule a Study Session for Thursday morning, February 1, 2007 on the Evergreen *East Hills Vision Strategy.

Action: The Committee deferred this action at the request of staff.

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2. Approve the following study sessions:

Documents Filed: Memorandum from Nadine Nader dated January 18, 2007 proposing various study sessions.

DATE	TOPIC	TIME
2-05-07	General Plan: Major Strategies	1:00 p.m. – 5:00 p.m.
2-20-07	City Council Priority Setting Session	9:00 a.m. – 4:00 p.m.
2-22-07	Unfunded Programs/New Initiatives	9:00 a.m. – Noon
3-01-07	Old City Hall	9:00 a.m. – Noon
3-19-07	Convention Center Expansion	1:00 p.m. – 4:00 p.m.
3-22-07	BART	8:30 a.m. – Noon
3-29-07	Airport Obstruction Study	9:00 a.m. – Noon
4-05-07	General Plan: Economic Development and Employment Lands	9:00 a.m. – Noon
4-19-07	Community Center Re-Use	9:00 a.m. – Noon
4-26-07	General Plan Downtown Revitalization/First Act	1:00 p.m. – 4:00 p.m.
5-3-07	General Plan: Formal Initiation of the General Plan Update	9:00 a.m. – Noon
5/7-18/07	Budget Study Sessions	TBD

Action: The Committee approved the proposed study sessions as revised. The final schedule will return to the Rules and Open Government Committee.

Public Comment: Carl Berg and Eric Moreley expressed concern about potential negative impacts to pipeline projects pending delays in the General Plan Amendment process.

E. The Public Record

Documents Filed: Memorandum from the City Clerk dated January 19, 2007 transmitting the Public Record for the week of January 12-18, 2007.

Action: The Committee noted and filed the Public Record.

F. Appointments to Boards, Commissions and Committees

There were none.

G. Rules Committee Reviews, Recommendations and Approvals

- 1. Discussion on Council Expenditure and Reimbursement Policy.**
DEFERRED TO JANUARY 31, 2007

2. Mayor's Transition Report.

Documents Filed: Memorandum from Mayor Reed dated January 18, 2007 requesting to agendaize and discuss the Mayor's Transition Report on January 24, 2007.

Action: The Committee referred the report to staff for further analysis and to return to the Rules Committee at a later time for discussion.

3. Mayor's Transition Government Reforms & Ethics Subcommittee Report Recommendations.

Documents Filed: Memorandum from Mayor Reed dated January 17, 2007 recommending the following: (A) Agendaize for Council action on the evening of *February 6th : 1. Amend the Municipal code to require elected officials to disclose any meetings previously held with a project's lobbyist and/or representative when the project is heard before the council. 2. Amend the Municipal code to require lobbyist to disclose to any city officials what their success fees are for a project during meetings to discuss the project. 3. Direct staff to implement a policy of reviewing industrial land conversions once a year and schedule the 2007 review in February or March. 4. Direct staff to require all projects, activities and events seeking public funding to include an analysis of the measurable benefit to the city; (B) Direct the City Attorney to take the Campaign Finance Reform section of Mayor Reed's Transition Report to the Elections Committee for review and comment; (C) Direct the City Manager and the City Attorney to consider and report on all other final recommendations from Mayor Reed's Transition Government Reform and Ethics Subcommittee and report back to Rules and Open Government by February 28th.

Public Comment: Eric Morely urged the Committee to consider pipeline projects as it considers changes and/or delays in the General Plan Amendment process (including conversion of industrial lands).

Action: The Committee approved the Mayor's recommendations with the exception of Item A.4 (cost-benefit analysis) and asked staff to return to the Rules and Open Government Committee in a couple of weeks with a workload assessment on that recommendation.

4. Approve Travel by Councilmember Williams to attend Conference of Mayors.

Documents Filed: Memorandum from Councilmember Williams dated January 19, 2007 requesting approval to travel to Washington D.C. on January 24-26, 2007 to attend the Conference of Mayors.

Action: The Committee approved travel by Councilmember Williams to attend the Conference of Mayors.

*This item was later deferred to 2/27.

5. Acceptance of the 6-month Horizon Report: January 2007-June 2007.

Documents Filed: Memorandum from City Manager Les White dated January 19, 2007 highlighting items tentatively scheduled for Council consideration for the period January 2007-June 2007.

Action: The Committee accepted the tentative 6-month City Council Horizon Report: January 2007-June 2007.

H. Review of Significant Public Records Act Requests

a. Review of Significant Public Records Act Request San Jose Police Department's Response to Public Record Requests made by Californians Aware.

Documents Filed: (1) Memorandum from Mayor Reed dated January 12, 2007 recommending a discussion regarding the San Jose Police Department's response to public records requests by Californians Aware. (2) Memorandum from Police Chief Robert L. Davis dated January 19, 2007 recommending acceptance of the Police Department's report on the Public Records Act request related to a January 12, 2007 San Jose Mercury News article.

Action: The Committee approved the report with the following request to have the Sunshine Reform Task Force Committee bring their recommendations to the Rules and Open Government Committee after their study session on February 24th for further discussion.

I. Review of Council Policy Updates per Sunshine Reforms (PIR #12)

J. Open Forum

K. Adjournment

The meeting was adjourned at approximately 4:30 p.m.

Chuck Reed, Chair
Rules and Open Government Committee